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10 Attorneys for Individual and Representative Plaintiffs

11 IN THE UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 Philip Wong, Frederic Chaussy, and Leslie
 14 Marie Shearn, individually, on behalf of all
 others similarly situated, and on behalf of
 the general public,

15 Plaintiffs,

16 vs.

17 HSBC Mortgage Corporation (USA);
 18 HSBC Bank USA, N.A.; and DOES 1
 through 50, inclusive,

19 Defendants.

20 Case No.: 3:07-cv-2446 MMC

21 AMENDED DECLARATION OF
 22 PLAINTIFFS' COUNSEL, BRYAN J.
 SCHWARTZ, ESQ., REGARDING
 23 PLAINTIFFS' MOTION TO COMPEL
 DEFENDANTS' COMPLETE AND
 THOROUGH RESPONSES TO
 24 INTERROGATORIES 4 AND 6 AND
 REQUESTS FOR PRODUCTION 1, 3, 4,
 AND 5, WITHIN FIVE (5) DAYS OF
 25 THE COURT'S ORDER

26 ¶1. My name is Bryan Schwartz and I am counsel of record in the above-referenced matter. I
 27 am over the age of 18 and competent to testify about the matter set forth herein.

28 ¶2. On July 11, 2007, after meeting-and-conferring with Defendants' counsel (Michelle
 Barrett) pursuant to Fed.R.Civ.P. 26(f), I initiated discovery on behalf of Plaintiffs, serving
 interrogatories, requests for production of documents, and requests for admissions.

1 ¶3 Pursuant to Federal Rule of Civil Procedure 37(a)(1)(A), I conferred with defense counsel
2 to try to resolve the discovery issues addressed in the above-referenced Motion to Compel, but
3 was unsuccessful. In particular, the parties exchanged extensive communications on August 17,
4 20, and 21, 2007, reaching an impasse regarding the necessity of Defendants' prompt cooperation
5 in full discovery. I have sought to narrow the scope of discovery due immediately, to encourage
6 Defendants to cooperate. Nonetheless, immediately prior to Plaintiffs' service of this Motion, on
7 August 21, 2007, Defendants reiterated their refusal to cooperate.

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10 ¶4 Plaintiffs are hamstrung in discovery by Defendants' refusal to provide the names and
11 contact information of relevant witnesses. For example, Plaintiffs cannot obtain information
12 which may tend to corroborate the Plaintiffs' own accounts, including information from managers
13 and co-workers who do will not gain by this lawsuit but who may testify truthfully about
14 Defendants' practices. Though Defendants will inevitably attempt to present witnesses to attempt
15 to rebut Plaintiffs' assertions, Plaintiffs are denied the opportunity to explore (beyond Plaintiffs
16 own clients) the nature and scope of Defendants' unlawful activity.

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19 ¶5 Exhibit 1 to the Motion is a true and correct copy of Plaintiffs' Interrogatories and
20 Requests for Production of Documents, served July 11, 2007, in the above-referenced matter.
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23 ¶6 Exhibit 2 to the Motion is a true and correct copy of Defendants' Responses to Plaintiffs'
24 discovery requests (in Exhibit 1), served on or after August 13, 2007.
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27 ¶7 Exhibit 3 to the Motion is a true and correct copy of *Stillman v. Staples, Inc.*, Civ. No.
28 2:07-cv-00849 (D.N.J. July 30, 2007).

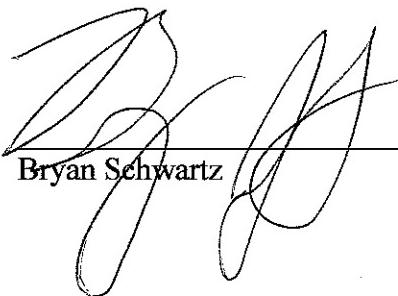
1 ¶8 Exhibit 4 to the Motion is a true and correct copy of *Bryan Pepe, et al v. Accredited Home*
2 *Lenders*, Civ. No. 2:06-cv-01225 (W.D. Pa. May 14, 2007).

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4 ¶9 Exhibit 5 to the Motion is a true and correct copy of *Darryl Allen, et al v. Accredited*
5 *Home Lenders*, Civ. No. 3-06-0921 (M.D. Tenn. Apr. 23, 2007).

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7 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
8 correct.

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10 DATED: 8/21/07

11 Bryan Schwartz



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